

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-cv-00456-W**

**RAYMOND E. BROWN and PAULA K.
BROWN,**

Plaintiff,

vs.

**CAIN WATTERS & ASSOCIATES and
DARRELL W. CAIN,**

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss, or in the Alternative, to Transfer Venue (Doc. No. 16) and Defendant's Motion to Compel Arbitration (Doc. No. 17). Pursuant to the reasons stated in open Court following a hearing on March 31, 2010, the Motion to Dismiss (Doc. No. 16) is DENIED and the Motion to Compel Arbitration (Doc. No. 17) is GRANTED.

As stated in the oral ruling, the parties are allowed until 4 p.m. on April 26, 2010, to work together to agree to a substitute arbitrator in Dallas, Texas. Should the parties fail to do so, the parties must appear for a status conference at that time where the Court will appoint an arbitrator. Due to a scheduling conflict in the Court's calendar, which came to the Court's attention following the hearing on March 31, the status conference originally set for 4 p.m. on April 26, 2010, will now take place at 4 p.m. on Tuesday, April 27, 2010. The parties are requested to inform the Court as soon as practicable if the status conference should be cancelled based upon the parties' agreement to an arbitrator.

IT IS SO ORDERED.

Signed: April 12, 2010



Frank D. Whitney
United States District Judge

